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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,248	02/15/2007	Roger Manuel Bargiacchi	SRC030	9170
7590 Thomas S. Baker, Jr. 1371 West 3rd Avenue Columbus, OH 43212			EXAMINER TEATERS, LINDSEY C	
			ART UNIT 3742	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/565,248

**Applicant(s)**

BARGIACCHI, ROGER MANUEL

**Examiner**

LINDSEY C. TEATERS

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5 and 7-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, & 7-23 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 01/19/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3, 5, and 7-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation of "an arm (31) is hinged to said upper component (16), comprising at least a conduit (32) for the steam passage" in lines 7-8 is unclear as to whether it is the arm or the upper component which comprises at least a conduit.
4. Claim 1 recites the limitations "the water tank", "the resistor", "the steam passage" and "the food" in lines 3, 4, 5, and 6, respectively. There is insufficient antecedent basis for these limitations in the claim.
5. Claim 5 recites the limitation "the steam delivery" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not recite a steam delivery.
6. Claim 9 recites the limitation "the turbine" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not recite a turbine.
7. Claim 9 recites the limitation "the upper portion of said arm" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not recite an upper portion of the arm.
8. Claim 10 recites the limitation "the steam outlet" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not recite a steam outlet.

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9. Claim 13 recites the limitation "the water" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not recite water.
10. Claims 17-19 and 23 recite the limitation "said turbine" in line 2. There is insufficient antecedent basis for this limitation in the claims. Claims 1, 2, 3 and 5 do not recite a turbine.
11. Claims 20-22 recite the limitation "said turbine" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claims 14-16 recite "at least a turbine".

***Allowable Subject Matter***

12. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
13. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art to Montagnino et al (US 5,649,476) teaches all of the limitations of claim 1 (see figure 9 and rejection below) but does not teach that an upper portion of the arm comprises a disc made of transparent material placed above a turbine allowing the user to control the actual rotation of the turbine during the working of the appliance. It could not have been obvious for one of ordinary skill in the art to combine all of the limitations above.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Montagnino et al (US 5,649,476).

Re claims 1 and 10:

Montagnino teaches: an electric household appliance (300, figure 9) for steam cooking comprising a basement (303, figure 9) and an on/off switch (col. 11, lines 14-15), a body formed by two components (350/310, 303, figure 9), whose lower component (303, figure 9) comprises the water tank (col. 8, lines 6-10) and the resistor (ref. 10 is a steam generator) for its heating, while the upper component (350/310, figure 9) forming a bearing surface (353, figure 9) comprises at least a conduit (see walls of domed feature 355, figure 9) for the steam passage, a container (350, figure 9) for the food to be cooked, to be placed on the bearing surface of the upper component of the body, characterized in that an arm (320, figure 9) is hinged to the upper component (see figure 9) comprising at least a conduit (322, figure 9) for the steam passage and a lid (361, figure 9) for the container engageable under the arm (see figure 9) comprising at least a device for mixing the food (364, figure 9, diffusion of steam can mix certain foods) and at least a conduit (entry of 332 into container 350, figure 9) forming a continuation of the at least a conduit obtained in the arm (see figure 9) which allows the diffusion of the steam in the container for cooking the food, and the lid comprises at least a slit (365, figure 9) for the steam outlet during the cooking phase.

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Montagnino et al does not explicitly teach a pilot light or that the heating means is a resistor, however, the use of a pilot light in home appliances and resistance heating in steam appliances/beverage machines is readily recognized and it would have been inherent to utilize these features.

*Claim Rejections - 35 USC § 103*

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Wolski et al (US 5,749,494).

Montagnino et al teaches:

Re claim 2: the passage of steam from the upper component of the appliance to the arm is governed by a valve (323, figure 9).

Montagnino et al fails to teach that the governing valve is a spring valve (claim 2) and that the spring valve comprises at least a control piston pin activated by the arm when the arm is closed by the user to start the food cooking.

Wolski et al, however, teaches a spring valve attached to one component of a juice dispenser assembly, when the component is closed together with a separate component

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comprising a piston pin, the valve is opened, when the pin is removed, the valve is closed (col. 4, lines 19-34).

In view of Wolski et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize a spring valve and piston pin arrangement as the control valve, taught by Montagnino et al. Spring valve/pin arrangement is an economical, efficient way to open or close flow depending upon two components coming into contact with one another. This way, the valve is only opened when, for example, a container is placed in a receptacle or a lid is closed.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Underwood et al (US 2002/0060392 A1).

Re claim 5:

Montagnino et al teaches that the steam delivery to the container is interrupted when the arm is displaced by the user (arm is rotatable around 313, figure 9).

Montagnino et al discloses the invention as set forth above except that the arm is hinged to the upper component of the appliance by a torsion spring.

Underwood et al, however, teaches a pick arm which is biased to maintain its orientation by a torsion spring (paragraph [0033]).

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In view of Underwood et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to hinge the arm to the upper component of the appliance, taught by Montagnino et al, with a torsion spring. Torsion springs are applicable and widely recognized in this art and many others in situations where the orientation of a component of a system needs to be maintained.

19. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Cerini (US 1,499,852).

Re claims 7 and 8:

Montagnino et al discloses the claimed invention as set forth above except that the lid is joined to the arm by screwing (claim 7) and by fitting (claim 8).

Cerini, however, teaches a steaming appliance (figure 1) with an arm (14, figure 1) which is connected through a lid (15, figure 1) by fitting through an opening (17, figure 1).

Cerini fails to explicitly teach that the arm could be attached to the lid by screwing, however, it is inherent that the arm could be attached by any available means, as the attachment serves the same purpose regardless.

In view of Cerini's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to join the lid to the arm, taught by Montagnino et al, by fitting or screwing. Any form of attachment ensures proper delivery of the steam to into

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the food container is functionally acceptable, and all attachment means such as force fitting, threading, welding, adhering are widely recognized and do not distinguish the invention over prior art.

20. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Simic-Glavaski et al (US 2003/0155346 A1).

Montagnino et al teaches:

Re claim 11: the arm ends with a handling knob (313, figure 9).

Montagnino et al fails to teach that the handling knob is made of thermal insulating material (claim 11) and that the container is provided with a handle made of thermal insulating material (claim 12).

Simic-Glavaski et al, however, teaches a cooking vessel (10, figure 1) with a handle/arm (18, figure 1) made of a thermal insulating material (paragraph [0042]).

In view of Simic-Glavaski's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to form the handling knob, taught by Montagnino et al, out of thermal insulating material, and to include a handle with the container formed of thermal insulating material. Handles with food containers aid in user handling of the container, and it is obvious for any part of a cooking appliance which will

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be handled by the user to be coated or made of thermally insulating material, so as to avoid burns and spills.

21. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Mulle (US 5,865,095).

Re claim 13:

Montagnino et al teaches that the upper component comprises a cap (370, figure 9) for loading water in the tank.

Montagnino et al fails to teach that the cap is provided with a safety valve.

Mulle, however, teaches a water reservoir (40, figure 4) of a hot beverage machine (figure 4) which comprises a safety valve (41, figure 4).

In view of Mulle's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include a safety valve in the water reservoir, taught by Montagnino et al. Hot steam can build in the water reservoir, and it is necessary for the safety of the user and for the lifetime of the machine to use a safety valve to evacuate overpressure if needed.

22. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of George (US 6,494,160 B2).

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Re claim 14:

Montagnino et al teaches that the arm introduces steam through the at least one conduit by the opening of the control valve.

Montagnino et al fails to teach that the arm comprises a turbine activated by the steam under pressure.

George, however, teaches a steam cooking appliance (figure 1) comprising a turbine (46, figure 3, see also figure 2) that is activated by pressurized steam admitted into a container (4, figure 1).

In view of George's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize a turbine with the arm, taught by Montagnino et al. The turbine can be useful in signifying when the interior of the container has reached a certain temperature/pressure or that the food is prepared.

23. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Wolski et al (US 5,749,494), as applied to claims 2 and 3 above, and further in view of George (US 6,494,160 B2).

Re claims 15 and 16:

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Montagnino et al teaches that the arm introduces steam through the at least one conduit by the opening of the control valve.

Montagnino et al, modified by Wolski et al, fails to teach that the arm comprises a turbine activated by the steam under pressure.

George, however, teaches a steam cooking appliance (figure 1) comprising a turbine (46, figure 3, see also figure 2) that is activated by pressurized steam admitted into a container (4, figure 1).

In view of George's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize a turbine with the arm, taught by Montagnino et al, as modified by Wolski et al. The turbine can be useful in signifying when the interior of the container has reached a certain temperature/pressure or that the food is prepared.

24. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Sharples (US 6,550,372), cited by applicant.

Re claim 17:

Montagnino et al discloses the claimed invention as set forth above except that the food mixing device consists of rotating blades activated by the rotation of the turbine through a mixing rod.

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Sharples, however, teaches a steam cooking appliance (10, figure 1) with a food mixing device (see figure 1) consisting of rotating blades (24, figure 1) activated by the rotation of a turbine (15, figure 1) through a mixing rod (see rod through center of blades 24, figure 1).

In view of Sharples' teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include a mixing device of the above construction with the steam cooking appliance, taught by Montagnino et al. The use of mixing devices with steam cookers is recognized in the art, as seen in Sharples, and the use of rotating blades through a mixing rod by turning a turbine is a common arrangement in mixers, blenders, etc. The turbine serves as planetary motion for the likewise rotating blades such that all areas of the container are mixed.

25. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Wolski et al (US 5,749,494), as applied to claims 2 and 3 above, and further in view of Sharples (US 6,550,372 B2), cited by applicant.

Re claims 18 and 19:

Montagnino et al, modified by Wolski et al, discloses the claimed invention as set forth above except that the food mixing device consists of rotating blades activated by the rotation of a turbine through a mixing rod.

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Sharples, however, teaches a steam cooking appliance (10, figure 1) with a food mixing device (see figure 1) consisting of rotating blades (24, figure 1) activated by the rotation of a turbine (15, figure 1) through a mixing rod (see rod through center of blades 24, figure 1).

In view of Sharples' teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include a mixing device of the above construction with the steam cooking appliance, taught by Montagnino et al, as modified by Wolski et al. The use of mixing devices with steam cookers is recognized in the art, as seen in Sharples, and the use of rotating blades through a mixing rod by turning a turbine is a common arrangement in mixers, blenders, etc. The turbine serves as planetary motion for the likewise rotating blades such that all areas of the container are mixed.

26. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of George (US 6,494,160 B2), as applied to claim 14 above, and further in view of Sharples (US 6,550,372 B1), cited by applicant.

Re claim 20:

Montagnino et al, modified by George, discloses the claimed invention as set forth above except that the food mixing device consists of rotating blades activated by the rotation of the turbine through a mixing rod.

Sharples, however, teaches a steam cooking appliance (10, figure 1) with a food mixing device (see figure 1) consisting of rotating blades (24, figure 1) activated by the rotation of a turbine (15, figure 1) through a mixing rod (see rod through center of blades 24, figure 1).

In view of Sharples' teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include a mixing device of the above construction with the steam cooking appliance, taught by Montagnino et al, as modified by George. The use of mixing devices with steam cookers is recognized in the art, as seen in Sharples, and the use of rotating blades through a mixing rod by turning a turbine is a common arrangement in mixers, blenders, etc. The turbine serves as planetary motion for the likewise rotating blades such that all areas of the container are mixed.

27. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Wolski et al (US 5,749,494) and George (US 6,494,160 B2), as applied to claims 15 and 16 above, and further in view of Sharples.

Re claims 21 and 22:

Montagnino et al, modified by Wolski et al and George, discloses the claimed invention as set forth above except that the food mixing device consists of rotating blades activated by the rotation of the turbine through a mixing rod.

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Sharples, however, teaches a steam cooking appliance (10, figure 1) with a food mixing device (see figure 1) consisting of rotating blades (24, figure 1) activated by the rotation of a turbine (15, figure 1) through a mixing rod (see rod through center of blades 24, figure 1).

In view of Sharples' teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include a mixing device of the above construction with the steam cooking appliance, taught by Montagnino et al, as modified by Wolski et al and George. The use of mixing devices with steam cookers is recognized in the art, as seen in Sharples, and the use of rotating blades through a mixing rod by turning a turbine is a common arrangement in mixers, blenders, etc. The turbine serves as planetary motion for the likewise rotating blades such that all areas of the container are mixed.

28. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US 5,649,476) in view of Underwood et al (US 2002/0060392 A1), as applied to claim 5 above, and further in view of Sharples.

Re claim 23:

Montagnino et al, modified by Underwood et al, discloses the claimed invention as set forth above except that the food mixing device consists of rotating blades activated by the rotation of the turbine through a mixing rod.

Sharples, however, teaches a steam cooking appliance (10, figure 1) with a food mixing device (see figure 1) consisting of rotating blades (24, figure 1) activated by the rotation of a turbine (15, figure 1) through a mixing rod (see rod through center of blades 24, figure 1).

In view of Sharples' teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include a mixing device of the above construction with the steam cooking appliance, taught by Montagnino et al, as modified by Underwood et al. The use of mixing devices with steam cookers is recognized in the art, as seen in Sharples, and the use of rotating blades through a mixing rod by turning a turbine is a common arrangement in mixers, blenders, etc. The turbine serves as planetary motion for the likewise rotating blades such that all areas of the container are mixed.

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cerini (US 1,499,852) teaches a steam cooking appliance with two components, upper and lower, and an arm with a conduit that continues through a conduit of a lid of the appliance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSEY C. TEATERS whose telephone number is 571-270-5913. The examiner can normally be reached on Mon-Thur 8:30am-6:00pm :: alternating Fri 8:30am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LINDSEY C TEATERS/  
Examiner, Art Unit 3742

05/12/2009

/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742